

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MARIA GUADALUPE ELLIS, on behalf of
herself and all others similarly situated,

Plaintiff,

v.

**NIKE USA, INC. and NIKE RETAIL
SERVICES, INC.**,

Defendants.

Case No. 4:23-cv-00632-MTS

**DEFENDANTS' AGREED MOTION FOR EXTENSION OF TIME TO FILE
MOTION TO DISMISS PLAINTIFF'S FIRST AMENDED CLASS ACTION
COMPLAINT AND RELATED RESPONSES**

Defendants NIKE USA, INC, and NIKE RETAIL SERVICES, INC (“Defendants”), by and through undersigned counsel, request pursuant to Fed. R. Civ. P. 6(b) and E.D.Mo. L.R. 1.05 for an extension of time to file their Motion to Dismiss Plaintiff’s First Amended Class Action Complaint and any related responses, in accordance with the below briefing schedule. In support of this Motion, Defendants state:

1. Plaintiff Maria Guadalupe Ellis (“Plaintiff”) filed this matter in the United States District Court for the Eastern District of Missouri on May 10, 2023.

2. On June 2, 2023, after conferring with Plaintiff and agreeing on an amended briefing schedule, Defendants filed a Motion for Extension of Time to File Motion to Dismiss and Related Responses.

3. On June 5, 2023, the Court granted the Motion for Extension in part, setting the deadline for Defendants’ Motion to Dismiss on July 6, 2023, the deadline for Plaintiff’s Opposition to Defendants’ Motion to Dismiss on August 3, 2023, and the deadline for Defendants’ Reply to Plaintiff’s Opposition on August 14, 2023.

4. Defendants filed their original Motion to Dismiss and accompanying memorandum on July 6, 2023.

5. On July 27, 2023, Plaintiff filed her First Amended Class Action Complaint, thereby mooting Defendants' original Motion to Dismiss.

6. Defendants' responsive pleadings to Plaintiff's First Amended Class Action Complaint are currently due on Thursday, August 10, 2023.

7. Local Rule 1.05 states that, for good cause, "the Court may extend or shorten any time limit imposed."

8. Defendants require additional time to prepare their Motion to Dismiss, including the time needed to determine the significance, if any, of the changes made to Plaintiff's forty-seven page First Amended Class Action Complaint, and therefore good cause for extension exists here.

9. Defendants have conferred with Plaintiff and the parties have agreed to the following briefing schedule:

- a. Defendants will receive a fourteen (14) day extension to file their Motion to Dismiss, thereby making the deadline for such Motion Thursday, August 24, 2023.
- b. Plaintiff will receive a fourteen (14) day extension to file her Opposition to Defendants' Motion to Dismiss, thereby making the deadline for such Opposition Thursday, September 21, 2023.
- c. No extension for Defendants' Reply to Plaintiff's Opposition is requested.

WHEREFORE, Defendants Nike USA, Inc, and Nike Retail Services, Inc, respectfully request that this Court GRANT their Agreed Upon Motion for Extension of Time to File Motion to Dismiss Plaintiff's First Amended Class Action Complaint and Related Responses, and enter

the briefing deadlines listed in Paragraph 5 of this Motion, and for any such other relief as this Court deems just and proper under the circumstances.

Date: July 31, 2023

Respectfully submitted,

HEPLERBROOM LLC

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed on this 31st day of July 2023, the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Mr. Daniel J. Orlowsky, Orlowsky Law, LLC, dan@orlowskylaw.com, *Attorney for Plaintiff*; Mr. Adam M. Goffstein, Goffstein Law, LLC, adam@goffsteinlaw.com, *Attorney for Plaintiff*.

/s/ Beth A. Bauer